THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6201 of 2007

Dated : 29.03.2007

Between:

Mr.Sangani Rajendra Prasad S/o S.Seshagiri Rao and another.

…**PETITIONERS**

And:

The District Collector, East Godavari District
at Kakinada and others.

… **RESPONDENTS**

THE HON'BLE SRI JUSTICE V.V.S.RAO
WRIT PETITION No.6201 of 2007

ORDER:

Petitioners are residents of Gandhinagar, Kakinada. They are allegedly owners of the land admeasuring Acs.5.25 in Sy.No.312/2 situated at Seela village of Kajuluru Mandal, East Godavari District. Alleging that on 27.02.2007 the fourth respondent came to their land with their subordinate officers and attempted to survey the lands and also tried to dispossess them, they filed a writ petition, being W.P.No.4408 of 2007 before this Court. They prayed for a direction to the respondents not to interfere with their possession. At the time of admission of the said case, the learned counsel for the petitioners brought to the notice of this Court that after filing the writ petition, the Mandal Revenue Officer issued a notice under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905 ('the Act', for brevity) to the petitioners, and he, with the leave of the Court, withdrew the writ petition and it was dismissed as withdrawn. Again, this writ petition is filed challenging the notice issued under Section 7 of the Act. It is alleged that after receiving the notice, the petitioners submitted explanation and the Mandal Revenue Officer is yet to pass an order under Section 6 of the Act. In spite of the same, the respondents are trying to destroy the fish tanks and trying to interfere with the possession of the petitioners, at the behest of the local MLA. Therefore, they filed the instant writ petition.

When the matter is called for preliminary hearing, the learned Assistant Government Pleader for Revenue (General-A), submits that the explanation submitted by the petitioners has been received by the Mandal Revenue Officer and the order under Section 6 of the Act is yet to be passed. He also submits that the allegation that the respondents are trying to dispossess the petitioners pending further action under the Act is not correct.

In view of the submission of the learned Assistant Government Pleader, as recorded hereinabove, the writ petition is based on factual foundations, which is not sound. The same is mere apprehension.

Therefore, the writ petition is dismissed. No costs.

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(V.V.S.RAO,J)

29th March, 2007.

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